

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TAMMY J. SCOTT ROBINSON	:	
<i>Administrator of the Estate of Anthony Scott,</i>	:	
	:	
Plaintiff,	:	23-CV-9521 (VSB)
	:	
-against-	:	<u>ORDER</u>
	:	
CITY OF NEW YORK, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

On May 28, 2024, Corporation Counsel of the City of New York (“Corporation Counsel”) filed an Answer in this action on behalf of Defendants City of New York, Correction Officer Timothy Waiters, and Captain Roger Bethelmy. (Doc. 31.) Prior to filing the Answer, Corporation Counsel filed letters on behalf of Defendant City of New York on February 12, 2024, April 10, 2024, and May 10, 2024, requesting an extension of time to answer or otherwise respond to the Amended Complaint. (Docs. 24, 26, 28.) At the time they filed the extension requests, Corporation Counsel had not yet decided whether it would represent the individual defendants—Bethelmy, Waiters, and Correction Officers Jerome Brown, Liza Luna, and Charles Rutherford—nor had Corporation Counsel discussed representation with the individual defendants. In granting the extension requests, I also sua sponte extended the individual defendants’ time to answer. (Docs. 25, 27, 29.) Therefore, the deadline for all defendants to answer was May 27, 2024.

The Answer filed by Corporation Counsel on May 28, 2024 was submitted on behalf of the City of New York and two of the five individuals defendants—Waiters and Bethelmy—but

was not submitted on behalf of Brown, Luna, or Rutherford. (Doc. 31 at n.1.) On June 14, 2024, Corporation Counsel filed a letter informing me of its decision not to represent these defendants, a decision which it communicated to these defendants on May 30, 2024. (Doc. 32.) Corporation Counsel requested that I sua sponte grant these defendants a 30-day extension of time to file a responsive pleading, which I granted. (Doc. 33.) Corporation counsel also informed me that he had spoken to John Burns at Karasyk and Moschella, LLP, “whose firm typically represents Correction Officers whom the Office of Corporation Counsel has declined to represent,” and who was “is in the process of making representation decision for these officers.” (Doc. 32 n.1.) The deadline for Defendants Brown, Luna, and Rutherford to file a responsive pleading was June 27, 2024. To date, these defendants have not appeared or responded to the complaint.

Accordingly, it is hereby:

ORDERED that Corporation Counsel file a letter on or before Tuesday, July 16, 2024 providing an update the regarding the efforts of Brown, Luna, and Rutherford to obtain counsel, including whether Corporation Counsel has discussed this matter any further with Mr. Burns.

SO ORDERED.

Dated: July 9, 2024

New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", with a horizontal line underneath.

Vernon S. Broderick
United States District Judge